Air Pollution Control
Title V Permit to Operate
Statement of Basis for Permit No. V-WR-000002-2005.01
Minor Modification

Devon Energy Production Company, L.P.
Riverton Dome Facility
Wind River Indian Reservation
Fremont County, Wyoming

Description of Permit Amendment

On April 24, 2012, the Environmental Protection Agency (EPA) received a minor modification request from Devon Energy Production Company's (Devon's) Riverton Dome Facility (Riverton) to update the operations at the facility.

The following modifications have been made to this permit:

Section I.A. – Source Information

- Updated responsible official and updated Description of Operations.

Section I.B. – Source Emission Points

- Corrected Unit ID #5 to lean burn engine
- Removed VRU control equipment from PW and Tank 1 and Tank 2
- Removed Unit ID HT from Insignificant Emission Units

Section II.E. – Reporting Requirements

- Changed submission of portable monitoring test results to 180 days as opposed to 90 days to align with submittal of six month monitoring report, at permittee's request.

The PTE for Riverton was listed by Devon in the minor modification application. The table below shows PTE data broken down by each individual emission unit, as well as the total facility-wide PTE.

Table 3 - Potential to Emit (uncontrolled)
Devon Energy Production Company, L.P. – Riverton Dome Facility

Emission Unit ID	Regulated Air Pollutants in tpy (uncontrolled)						
	NO_X	**VOC**	**SO_2**	**PM_{10}**	**CO**	**Lead**	**Total HAPs**
Flares (emergency and plant)*	8.2	5.1	2251.6		44.5		
C-1	57.4	1.4			89.4		0.4
#1	68.9	4.0			107.3		0.5
#2	106.0	5.8			165.1		0.8
#4	11.5	4.8			11.5		0.7
#5	79.7	2.2			16.3		1.4
G-1	7.5	2.2			7.5		0.5
G-2	7.5	2.2			7.5		0.5
G-3	11.1	2.2			11.1		0.7
Tank 1		29.5					
Tank 2		29.5					
Tank 3		29.5					
PO Tank		29.5					
GDU Vent		168.1					100.3
IEUs/Fugitives		5.8					
TOTAL	357.8	321.8	2251.6		460.2		105.8

*The PTE listed is the total for both flares. The full PTE from both flares is not additive. Either flare can process the total facility flare stream, or the flare stream can be divided between the two flares in various proportions.

EPA is making this revision as a minor modification in accordance with 40 CFR 71.7(d). The permit will be reissued as permit number V-WR-000002-2005.01.

For specific applicability information regarding the Part 71 permit for this facility, please see the Statement of Basis for permit number V-WR-0002-05.00.

Air Pollution Control
Title V Permit to Operate
Statement of Basis for Renewal #1 Permit No. V-WR-0002-05.00
September 2009

Devon Energy Production Company, L.P.
Riverton Dome Facility
Fremont County, Wyoming

1. Facility Information

a. Location

The Riverton Dome Facility (Riverton Dome) is natural gas compressor station owned and operated by the Devon Energy Production Company, L.P. (Devon). The facility is located on lands held in trust by the United States for the Northern Arapaho and Eastern Shoshone Tribes. The facility is in "Indian country" as defined at 18 U.S.C. 1151. EPA has not approved the Tribes or the State of Wyoming to implement the CAA Title V program in Indian country. Thus EPA Region 8 directly implements the CAA Title V program on Indian country lands within the State of Wyoming. The coordinates are NW ¼, NE ¼, Section 36, T1S, R4E. The geographical location is:

Latitude: 42.938738 Longitude: -108.346901
UTM Northing: 4,757,212.39 meters UTM Easting: 716,475.73 meters

The parent company mailing address is:

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b. Contacts

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c. Description of Operations

Riverton Dome serves as a mid-stream operation that collects both sour (containing hydrogen sulfide or H_2S) and sweet fluid streams and delivers gas and crude produced from the Riverton Dome field to downstream facilities for further processing or directly to sales pipelines. In 2005, total sweet gas production was estimated at 1,732 MMscf, sour gas production was estimated at 62 MMscf, and total oil produced was 20,126 bbls.

Sour Fluid Stream Processing

The sour fluid stream collected from the field is sent to any one of three heater-treaters (NPT, OPT, or TT) where it is separated into three phases:

1. Phase 1: Sour crude which is collected in Sales Tanks 1, 2, and/or 3[1]. The sour crude sent to the Sales Tanks flashes low pressure sour gas which is collected by a vapor recovery unit (VRU) and routed to the suction of compressor engine C-1;

2. Phase 2: Sour gas which is collected by the VRU and routed to the suction of compressor engine C-1; and

3. Phase 3: Produced water which is routed to the 750 bbl Power Water Tank (PW).

Sweet Fluid Stream Processing

The sweet fluid stream collected from the field is sent to a heater-treater (HT) that stands apart from the sour fluid heater-treaters. The sweet fluid stream is separated into three phases:

1. Phase 1: Sweet crude which is collected in Sales Tanks 1, 2, and/or 3 and mixed with the sour crude. The sweet crude sent to the Sales Tanks also flashes low pressure sweet gas which is mixed with the sour flash gas, collected by the VRU and routed to the suction of compressor engine C-1;

2. Phase 2: The water saturated sweet gas which is sent to a tri-ethylene (TEG) dehydration system to remove the water. The dry gas from the dehydrator is routed directly to sales rather to than the suction of compressor engine C-1; and

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1. Typically only one of the tanks is used as a sales tank; the other two are just used for stand-by or extra capacity. Currently, there is no oil throughput for Tank 3.

3. Phase 3: Produced water which is routed to the PW tank.

Power Water Tank (PW)

The water from the PW Tank goes to hydraulic pumps used to lift the oil and water from the wells in the field to the heater-treaters[2]. The flash gases from PW are also collected by the VRU and sent to the suction of compressor engine C-1.

Compressor Engine C-1

Compressor Engine C-1 collects all the sour gas and all the low pressure gas (both sour and sweet) from the facility. The compressed gas is then sent off-site to downstream facilities for further processing to remove the H_2S.

If compressor engine C-1 is out of service due to maintenance, upset, or emergency conditions or the sour gas cannot be sent off site for processing due to maintenance, upsets, or emergency conditions at downstream facilities, the gas is flared at the Emergency Flare Pit.

Tri-ethylene (TEG) Dehydration System

The TEG dehydration system is comprised of an absorber vessel, a TEG regenerator reboiler, and associated equipment. The saturated sweet gas is delivered to the TEG dehydration system via a coalescing filter that extracts suspended oil and water from the gas stream before it contacts the "lean" TEG in the absorber vessel. The liquids gathered from the coalescing filter are entrained water and some associated VOC and constituents. The dehydrated or dry gas exits the top of the vessel and is routed directly to sales. The "rich" TEG is sent to the reboiler and is heated. The water and other impurities are boiled off and vented to the Plant Flare[3]. The regenerated TEG is then circulated through the system again.

Electrical Power

Electrical power is generated using three engine driven generators (G-1, G-2, G-3). These engines consume natural sweet gas for fuel. The exhaust streams of each of these three generators are controlled using non-selective catalyst reduction (NSCR) and air-fuel ratio (AFR) controllers. Historically, the electrical power generated from these units supplied the power for all pumps, etc. at the facility. However, purchased electrical power can be made available, as needed, should the plant generators go off-line for any reason.

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2. A 1500 bbl Power Oil tank (PO) was previously in use at the facility to provide crude oil artificial lift. It was replaced with the PW tank in converting to water artificial lift.

3. There are currently two flares located at Riverton Dome. The first flare is the original Emergency Flare Pit that was installed at the time the facility was constructed in 1963. The purpose of the Emergency Flare Pit is to mitigate sour (H_2S) gas and sweet gas during periods of maintenance, upset, or emergency conditions involving C-1 or the downstream facilities receiving the gas. The second flare is the Plant Flare. Riverton Dome was originally designed to process (sweeten) the produced sour gas, and a Sulfur Recovery Unit (SRU) was used in this process until 1973. When the SRU was removed the Plant Flare was installed to control the H_2S emissions. According to the part 71 Renewal Application the Plant Flare was later moved to the same location as the Emergency Flare Pit in May of 2002, and is now used to control emissions from the glycol dehydration still vent (GDU Vent). H_2S gas previously sent to the Plant Flare is now routed to the compression of C-1 and sent off-site.

Steam Production

There are two industrial boilers (H-4, H-5) that are fueled using sweet natural fuel gas. These units generate steam used for the facility heat trace system and the various plant buildings.

Pigging and Pipeline Cleaning Operations

Pig receiving and launching are not located at the Riverton Dome's site. However, occasionally when sour gas cannot be sent off site because of upsets, maintenance, or emergency conditions and the situation exists for an extended period of time during freezing conditions, the sour gas pipeline is blown down and flared to the Emergency Flare Pit to remove liquids from the line. No pigging equipment is associated with this activity and the blowdown operation usually lasts one hour where a total of 100 Mscf of sour gas and approximately 0.5 bbl of sour fluid are flared. The frequency of this activity cannot be predicted, but historically it has occurred approximately once per year.

d. Permitting and Construction History

The Riverton Dome Gas Plant was originally constructed in 1963 by the ARCO Oil and Gas Company (ARCO). A sulfur recovery unit and the glycol dehydration unit (GDU) were installed at the time of the original construction. Since constructing the original plant, ARCO had added a number of emission points: (1) In 1963, a 330 hp engine (C-1); (2) In 1966, a 397 hp engine (#1); (3) In 1967, a 611 hp engine (#2); and (4) In 1968, a 542 hp engine (#3).

In 1973, the sulfur recovery unit was removed and ARCO began to flare all acid gas (H_2S). The estimated SO_2 emissions from the flare were estimated to be greater than 2,000 tpy. EPA's regulation detailing the Prevention of Significant Deterioration (PSD) permitting program was initially promulgated in June of 1978 and later extensively revised in 1980 to comport with the Alabama Power decision (Alabama Power Co. v. Costle. 636 F.2d 323 (D.C. Cir. 1979)). Since the 1973 removal of the sulfur recovery system occurred before EPA's regulations were promulgated and later revised, the plant was considered to be a grandfathered source, but was identified as a major PSD source. Therefore, any future modifications at the facility which exceed significance levels were to be considered major and subject to PSD permitting.

In 1980, two tanks were installed: (1) The power oil tank (PO, now PW); and (2) a 500 bbl petroleum storage tank (Tank 3). Both were installed with vapor recovery units (VRUs) to mitigate H_2S gas safety concerns. The installation of the VRUs were well in advance of the later promulgated National Emission Standard for Hazardous Pollutants from Oil and Gas Production Operations (MACT HH), indicating that the VRUs were installed for safety reasons rather than to comply with any regulations at that time. Tank 1 and Tank 2 were installed in 1999, and the VRUs originally installed on the tanks for safety reasons due to H_2S gas now also capture sweet condensate flash emissions.

From 1982 to 1989, ARCO embarked on three different construction projects that could have potentially triggered PSD permitting requirements. In 1982, ARCO installed a new compressor engine (#4) at the plant with potential NOx emission greater than 40 tpy. In 1986, ARCO installed a new compressor engine (#5), but removed compressor engine #3. In 1989, ARCO

constructed three generators with potential NOx emissions greater than 40 tpy. In 1992, ARCO informed the EPA that these modifications to the facility triggered a required PSD review.

A Notice of Violation (NOV) was issued to ARCO on April 29, 1993, for the three PSD violations. An amended NOV was issued on August 9, 1993, to include the Snyder Oil Corporation (Snyder) on the notice when EPA was notified that the facility was purchased by Snyder on February 27, 1993. In addition, the 1986 installation of compressor engine #5 was removed as a PSD violation.

On July 5, 1994 (effective August 5, 1994), a PSD permit was issued requiring that compressor engine #4, installed in 1982, and the three generators, installed in 1989, be retrofitted NSCR and AFR controls.

On October 7, 1994, a Consent Decree (Civil Action # 94CV0246D) was lodged. The Consent Decree provided that Snyder must bring the facility into compliance within six weeks after the effective date of the PSD permit issued on August 5, 1994.

In May of 1999, the Snyder Oil Company and the Santa Fe Energy Company merged and the name of the operator of the plant changed to the Santa Fe Snyder Corporation. In 2001, the company name changed to Devon SFS Operating Incorporated and eventually became the Devon Energy Production Company, L.P. The current operator of the facility is the Devon Energy Production Company, L.P.

The Federal Title V Operating Permit Program became effective in February of 1999. Since the Riverton Dome Facility is located in Indian country, EPA Region 8 has jurisdiction over the regulation of this facility for purposes of the Clean Air Act (CAA) and in March of 2000, a part 71 application was received by the Regional Office. An initial part 71 permit was issued for the facility on July 2, 2001 (effective July 25, 2001). Three administrative amendments were made to the initial permit to update facility contact information and the Responsible Official. Six off permit changes notifications were received by the EPA during the term of the initial permit: (1) July 2, 2003, notification of the overhaul of generator G-3; (2) May 24, 2004, notification of the replacement of the PO tank with a PW tank; (3) April 28, 2005 notification of the replacement of the HT Oil Treater with a Horizontal Treater; (4) July 6, 2005, notification of the overhaul of compressor engine #5; (5) December 5, 2005, notification of the overhaul of compressor engine #2; and (6) January 17, 2006, notification of the overhaul of generator G-2.

The original renewal application was received on December 20, 2005, and determined to be complete on December 20, 2005. Updates to the original renewal application were received by EPA through February of 2009. However, these updates did not effect the original completeness determination date.

e. List of All Units and Emission-Generating Activities

Devon provided, in its Riverton Dome Facility application, information contained in Tables 1 and 2. Table 1 lists emission units and emission generating activities, including any air pollution control devices. Emission units identified as “insignificant” are listed separately in Table 2.

Table 1 - Emission Units
Devon Energy Production Company, L.P.
Riverton Dome Facility

Unit I.D.	Description	Control Equipment
#1	397 hp Waukesha L-3711 Compressor Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 48867 Installed: 1966	None
#2	611 hp Waukesha L5790GU Compressor Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 126010 Installed: 1967	None
#4	520 hp Superior 6-G-825 Compressor Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 292219 Installed: 1982	NSCR w/ AFR[a]
#5	534 hp Ajax DPC600 Compressor Engine. Natural gas fired, 2-stroke rich burn: Serial Number: 79820 Installed: 1986	None
C-1	330 hp Climax V-125 Compressor Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 47569 Installed: 1963	None
G-1 G-2	385 hp Caterpillar G-398 Generator Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 73B1486 Installed: 1989 Serial Number: 73B1487 Installed: 1989	NSCR with AFR[a]
G-3	577 hp Waukesha L-5100 Generator Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 96994 Installed: 1989	NSCR with AFR[a]
GDU Vent	TEG Regenerator Still Column Vent. 4 MMscf/d gas throughput; 3.77 GPM glycol recirculation rate: Serial Number: NA Installed: 1963	Plant Flare[b]
PW (formerly PO) Tank	750 bbl Power Water Tank – Storage Tank: Serial Number: NA Installed: 1980	VRU[c]
Tank 1 Tank 2	400 bbl Petroleum Storage Tank: Serial Number: NA Installed: 1999 Serial Number: NA Installed: 1999	VRU[c]
Tank 3	500 bbl Petroleum Storage Tank (currently used as waste/slop oil storage): Serial Number: NA Installed: 1980	None
Emergency Flare Pit	Sour (H_2S) and sweet gas mitigation during periods of maintenance, upset, or emergency conditions involving C-1 or down stream facilities receiving the gas. 8.76 MMscf/yr fuel usage; 1 MMBtu/hr heater duty: Serial Number: NA Installed: 1963	None

a. Non-Selective Catalytic Reduction with Air to Fuel Ratio Controller installed 8/4/94 for NOx, CO, and VOC control.
b. Installed on May 30, 2002 and located with the Emergency Flare Pit; 95% VOC control efficiency.
c. Vapor Recovery Unit used to capture H_2S emissions and sweet gas flash emissions from PW Tank and Tanks 1 & 2; 95% capture efficiency. Both sweet and sour gas are routed to C-1 and then sent off site.

Part 71 allows sources to separately list in the permit application units or activities that qualify as "insignificant" based on potential emissions below 2 tons/year for all regulated pollutants that are not listed as a hazardous air pollutant (HAP) under Clean Air Act (CAA) section 112(b) and below 1,000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAPs. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to calculate the fee. Units that qualify as insignificant for the purposes of the part 71 application are in no way exempt from applicable requirements or any requirements of the part 71 permit.

Table 2 - Insignificant Emission Units
Devon Energy Production Company, L.P.
Riverton Dome Facility

Unit I.D.	Description
H-2	TEG Regenerator – Reboiler; 0.38 MMBtu/hr
NPT	12' x 30' CE Natco Vertical Heater-Treater – Process Burner; 2.5 MMBtu/hr
OPT	10' x 20' BS&B Vertical Heater –Treater – Process Burner; 1.95 MMBtu/hr
TT	6' x 20' CE Natco Vertical Heater-Treater – Process Burner; 1.55 MMBtu/hr
HT	6' x 15' Natco Horizontal Heater-Treater – Process Burner; 0.5 MMBtu/hr
H-4	Continental Boiler – Industrial Boiler; producing steam for facility heat trace and building heat; 2.34 MMBtu/hr
H-5	Cleaver Brooks Boiler – Industrial Boiler; producing steam for facility heat trace and building heat; 2.34 MMBtu/hr

f. Potential to Emit

Potential to emit means the maximum capacity of Devon's Riverton Dome Facility to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, may be treated as part of its design if the limitation is enforceable by EPA. Potential to emit is meant to be a worse case emissions calculation. Actual emissions may be much lower.

Four natural gas fired 4-stroke rich burn engines [Units #4, G-1, G-2, G-3] are equipped with NSCR and AFR systems to control emissions of NOx, CO, and VOCs. The emissions reductions are required by EPA issued PSD permit #PSD-WR-0001-94.00. The permit was originally issued to the Snyder Oil Corporation for the Riverton Dome Facility July 5, 1994.

The glycol dehydrator still vent [GDU Vent] VOC and HAP emissions are routed to the Plant Flare to control emissions as required by 40 CFR part 63, subpart HH – National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities (MACT HH).

National EPA guidance states that air pollution control equipment (in this case, the NSCR systems and the Plant Flare) can be credited as restricting PTE only if federally enforceable requirements are in place requiring the use of such air pollution control equipment and compliance is met. Compliance with the PSD permit requirements provides enforceable

restrictions on the potential to emit of the four engines. Compliance with the MACT HH standards provides enforceable restrictions on the potential to emit of the glycol dehydrator still vent.

The potential to emit for the facility as a whole are as follows:

Nitrogen Oxides (NOx) – 211.4 tpy
Carbon Monoxide (CO) – 296.3 tpy
Volatile Organic Compounds (VOC) – 22.2 tpy
Small Particulates (PM_{10}) – 1.6 tpy
Sulfur Dioxide (SO_2) – 2251.6 tpy
Total Hazardous Air Pollutants (HAPs) – 4.6 tpy
Largest Single HAP (formaldehyde, CH_2O) – 2.0 tpy

2. Tribe Information

a. Indian Country

Devon's Riverton Dome Facility is located within Indian country as defined at 18 U.S.C. §1151. The Eastern Shoshone and Northern Arapaho Tribes do not have a federally-approved CAA title V operating permits program nor does EPA's approval of the State of Wyoming's title V program extend to Indian country. Thus, EPA is the appropriate governmental entity to issue the title V permit to the Riverton Dome Facility.

b. Tribal Government

Both the Northern Arapaho and Shoshone Tribes have a General Council which serves as their governing body. The Shoshone General Council has established the Shoshone Business Council and the Northern Arapaho General Council has established the Arapaho Business Council to manage the daily affairs of the Tribes. The Shoshone Business Council and the Arapaho Business Council form what is known as the Joint Business Council (JBC). The JBC is the joint governing body of the Tribes. The JBC has the power to develop and enforce tribal laws. By a resolution, dated June 7, 1988, the JBC created the Wind River Environmental Quality Commission (WREQC). WREQC is charged with developing and enforcing environmental codes, regulations, and procedures. Tribal headquarters is located at Fort Washakie, on the Wind River Indian Reservation in the State of Wyoming.

c. Local Air Quality and Attainment Status

West central Wyoming either attains the national ambient air quality standards for all criteria pollutants or is "unclassified." An area is unclassifiable when there is insufficient monitoring data. The WREQC is currently operating an air monitoring station to collect SO_2 and H_2S data at the Sand Draw site.

3. Applicable Requirements

a. Applicable Requirement Review

The following discussions address applicable requirements, and requirements that may appear to be applicable, but are not. All applicable and non-applicable requirements addressed here are included in the Code of Federal Regulations (CFR) at title 40.

Prevention of Significant Deterioration (PSD)

PSD is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a "major" stationary source or "major" modification of an existing stationary source. The PSD regulations are found at 40 CFR 52.21. Source size is defined in terms of "potential to emit," which is its capability at maximum design capacity to emit a pollutant, except as constrained by existing federally and practically enforceable conditions applicable to the source. A new stationary source or a modification to an existing minor stationary source is major if the proposed project has the potential to emit any pollutant regulated under the CAA in amounts equal to or exceeding specified major source thresholds, which are 100 tpy for 28 listed industrial source categories and 250 tpy for all other sources. PSD also applies to modifications at existing major sources that cause a "significant net emissions increase" at that source. Significance levels for each pollutant are defined in the PSD regulations at 40 CFR 52.21. A modification is a physical change or change in the method of operation.

The Riverton Dome Facility does not belong to any of the 28 listed source categories. Therefore, the potential to emit threshold for determining PSD applicability for this source is 250 tpy. The Riverton Dome Facility was issued a PSD permit on July 5, 1994 (effective August 5, 1994) for significant modifications at the facility in 1982 and 1989. The permit requires that compressor engine #4, installed in 1982, and the three generator engines (G-1, G-2, and G-3), installed in 1989, be retrofitted with NSCR and AFR controls. The PSD permit requires that the subject engines meet a BACT limit for NOx of 1.0 g/hp-hr. Limits were also added to the PSD permit for CO of 2.0 g/hp-hr and VOC of 0.43 g/hp-hr. These were not BACT requirements but are, however, enforceable.

This facility is currently a major source of CO and SO_2 emissions for the purposes of PSD thresholds. In regards to future applicability determinations with respect to PSD, the Riverton Dome Facility is considered a major stationary source. Therefore, any proposed modifications at the facility must evaluate PSD applicability based on significance levels.

Periodic Monitoring

The *Appalachian Power* court held that 40 CFR 71.6(a)(3)(i) authorizes a sufficiency review of monitoring and testing in an existing emissions standard, and enhancement of that monitoring or testing through the permit, when the standard requires no periodic testing or instrumental or non-instrumental monitoring, specifies no frequency, or requires only a one-time test. Thus, EPA has authority in the federal operating permit regulation to specify additional testing or monitoring for a source to assure compliance, when existing applicable regulations do not require periodic monitoring or only require a one-time emissions test.

The monitoring requirements contained in the EPA-issued PSD permit on July 5, 1994 only require a one-time performance test for NOx, CO, and VOC to be conducted for each engine subject to PSD to show initial compliance with the PSD permit emission limits. Therefore, in accordance with 40 CFR 71.6(a)(3)(i), in order to assure compliance with the PSD permit emission limits throughout the term of this permit, the applicant shall conduct quarterly monitoring of these engines with a portable analyzer for NOx and CO.

Total permitted VOC emissions from all four of these engines are 1.9 pounds per hour or 8.32 tons per year, which is well below the PSD significance level of 40 tons per year. The initial stack test conducted in 1994 for VOC showed that, based on THC, the engines were in compliance with the VOC limits. AP-42 indicates that the methane fraction of THC is at least 85%. Therefore, the VOC emissions were actually much lower. Based on the VOC emissions being below the PSD significance level, and the low level of VOC emissions found during the initial stack test, the source will be required to conduct a stack test once every permit term (every five (5) years).

In addition, the applicant shall follow the manufacturer's recommendations for maintenance of the non-selective catalyst reduction systems and air-fuel ratio controllers. The applicant shall also maintain appropriate records to document the maintenance done.

New Source Performance Standard (NSPS)

40 CFR Part 60, Subpart A: General Provisions. This subpart applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication of any standard in part 60. The general provisions under subpart A apply to sources that are subject to the specific subparts of part 60.

As explained below, the Riverton Dome Facility is not subject to any specific subparts of 40 CFR part 60.

40 CFR Part 60, Subpart Dc: Standards of performance for Small Industrial-Commercial-Institutional Steam Generating Units. This rule applies to each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 100 MMBtu/hr or less, but greater than or equal to 10 MMBtu/hr.

While Devon does operate two steam generating units at the Riverton Dome facility, both units have maximum design heat input capacities of less than 10 MMBtu. Therefore, this rule does not apply.

40 CFR Part 60, Subpart K: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. 40 CFR part 60, subpart K does not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

Tanks 1, 2, & 3 are storage vessels for petroleum liquids. Subpart K does not apply to any of the tanks at the Riverton Dome Facility that store petroleum liquids. Tank 1 and Tank 2 were constructed in 1999. Tank 3 was constructed in 1980. Both construction dates are after the May 19, 1978 cut-off date for this regulation. The PW tank does not store petroleum liquids.

40 CFR Part 60, Subpart Ka: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to June 23, 1984. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. Subpart Ka does not apply to petroleum storage vessels with a capacity of less than 420,000 gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.

Subpart Ka potentially applies to Tank 3 as it was constructed in 1980. However, Tank 3 has a capacity of 21,000 gallons. Since the tank capacity is equal to or less than 40,000 gallons, this regulation does not apply.

40 CFR Part 60, Subpart Kb: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984. This rule applies to storage vessels with a capacity greater than or equal to 75 cubic meters (approximately 19,813 gallons). Subpart Kb does not apply to petroleum storage vessels with a capacity of less than 1,589.874 cubic meters (approximately 420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer.

Subpart Kb potentially applies to Tank 1 and Tank 2. Both were constructed in 1999 and both store volatile organic liquids. However, Tank 1 has a capacity of 16,800 gallons, which is less than 75 m^3. Therefore, the regulation does not apply to Tank 1. Tank 2 has a capacity of 21,000 gallons, which is greater than 75 m^3. However, Tank 2 is used for petroleum or condensate storage prior to custody transfer and has a capacity of less than 420,000 gallons. Therefore, subpart Kb does not apply to Tank 2.

40 CFR Part 60, Subpart GG**:** Standards of Performance for Stationary Gas Turbines. This rule applies to stationary gas turbines, with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 MMBtu/hr), that commenced construction, modification, or reconstruction after October 3, 1977.

Devon does not operate any turbines at the Riverton Dome facility. Therefore, this rule does not apply.

40 CFR Part 60, Subpart IIII: Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. This rule applies, in part, to owners and operators of stationary compression ignition (CI) internal combustion engines (ICE) that commence construction after July 11, 2005 where the stationary CI ICE are:

a. Manufactured after April 1, 2006 and are not fire pump engines, or
b. Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

This subpart also applies to owners and operators of stationary CI ICE that modify or reconstruct their stationary ICE after July 11, 2005.

According to the information provided by Devon in the renewal application, there are no compression ignition engines whose construction was commenced after July 11, 2005, at the facility. Therefore, this regulation does not apply.

40 CFR Part 60, Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. This subpart establishes emission standards and compliance requirements for the control of emissions from stationary spark ignition (SI) ICE that commenced construction, modification or reconstruction after June 12, 2006, where the SI ICE are manufactured on or after specified manufacture trigger dates. The manufacture trigger dates are based on the engine type, fuel used, and maximum engine horsepower.

For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator (See 40 CFR 60.4230(a)).

According to the information provided by Devon in the renewal application, all the SI engines were constructed prior to June 12, 2006. Therefore, this regulation does not apply.

40 CFR Part 60, Subpart KKK: Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants. This rule applies to compressors and other equipment at onshore natural gas processing facilities. As defined in this subpart, a natural gas processing plant is any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids (NGLs) to natural gas products, or both. Natural gas liquids are defined as the hydrocarbons, such as ethane, propane, butane, and pentane that are extracted from field gas.

The Riverton Dome Facility does not extract natural gas liquids from field gas, nor does it fractionate mixed NGLs to natural gas products; therefore, the facility does not meet the definition of a natural gas processing plant under this subpart and this rule does not apply.

40 CFR Part 60, Subpart LLL: Standards of Performance for Onshore Natural Gas Processing; SO_2 Emissions. This rule applies to sweetening units and sulfur recovery units at onshore natural gas processing facilities. As defined in this subpart, sweetening units are process devices that separate hydrogen sulfide (H_2S) and carbon dioxide (CO_2) from a sour natural gas stream. Sulfur recovery units are defined as process devices that recover sulfur from the acid gas (consisting of H_2S and CO_2) removed by a sweetening unit.

Devon no longer performs gas sweetening or sulfur recovery at the Riverton Dome Facility. Therefore, this rule does not apply.

40 CFR Part 60, Subpart KKKK: Standards of Performance for Stationary Combustion Turbines. This subpart establishes emission standards and compliance schedules for the control of emissions from stationary combustion turbines that commenced construction, modification or reconstruction after February 18, 2005. The rule applies to stationary combustion turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 MMBtu) per hour.

Devon does not operate any turbines at the Riverton Dome facility. Therefore, this rule does not apply.

National Emissions Standards for Hazardous Air Pollutants (NESHAP)

40 CFR Part 63, Subpart A: General Provisions. This subpart contains national emissions standards for HAPs that regulate specific categories of sources that emit one or more HAP regulated pollutants under the CAA. The general provisions under subpart A apply to sources that are subject to the specific subparts of part 63.

The Riverton dome Facility is subject to 40 CFR part 63, subpart HH; National Emission Standards for Hazardous Air Pollutants from Oil and Gas Production Facilities. Therefore, the General Provisions of 40 CFR part 63, subpart A applies to this facility.

40 CFR Part 63, Subpart HH: National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities. This subpart applies to the owners and operators of affected units located at natural gas production facilities that are major sources of HAPs, and that process, upgrade, or store natural gas prior to the point of custody transfer, or that process, upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to a final end user. The affected units are glycol dehydration units, storage vessels with the potential for flash emissions, and the group of ancillary equipment and compressors intended to operate in volatile hazardous air pollutant service, which are located at natural gas processing plants.

Throughput Exemption

Those sources whose maximum natural gas throughput, as appropriately calculated in §63.760(a)(1)(i) through (a)(1)(iii), is less than 18,400 standard cubic meters per day are exempt from the requirements of this subpart.

Source Aggregation

Major source, as used in this subpart, has the same meaning as in §63.2, except that:

1) Emissions from any oil and gas production well with its associated equipment and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units.

2) Emissions from processes, operations, or equipment that are not part of the same facility shall not be aggregated.

3) For facilities that are production field facilities, only HAP emissions from glycol dehydration units and storage tanks with flash emission potential shall be aggregated for a major source determination.

Facility

For the purpose of a major source determination, facility means oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site as defined in subpart HH. Examples of facilities in the oil and natural gas production category include, but are not limited to: well sites, satellite tank batteries, central tank batteries, a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants.

Production Field Facility

Production field facilities are those located prior to the point of custody transfer. The definition of custody transfer (40 CFR 63.761) means the point of transfer after the processing/treating in the producing operation, except for the case of a natural gas processing plant, in which case the point of custody transfer is the inlet to the plant.

Natural Gas Processing Plant

A natural gas processing plant is defined in 40 CFR 63.761 as any processing site engaged in the extraction of NGLs from field gas, or the fractionation of mixed NGLs to natural gas products, or a combination of both. A treating plant or compression facility that does not engage in these activities is considered to be a production field facility.

Major Source Determination for Production Field Facilities

The definition of major source in this subpart (at 40 CFR §63.761) states, in part, that only emissions from the dehydration units and storage vessels with a potential for flash emissions at production field facilities are to be aggregated when comparing to the major source thresholds. For facilities that are not production field facilities, HAP emissions from all HAP emission units shall be aggregated.

Area Source Applicability

40 CFR part 63, subpart HH applies to area sources of HAPs. An area source is a HAP source whose total HAP emissions are less than 10 tpy of any single HAP or 25 tpy for all HAPs in aggregate. This subpart requires different emission reduction requirements for triethylene glycol dehydration units found at oil and gas production facilities based on their geographical location. Units located in densely populated areas (determined by the Bureau of Census) and known as urbanized areas with an added 2-mile offset and urban clusters of 10,000 people or more, are required to have emission controls. Units located outside these areas will be required to have the glycol circulation pump rate optimized or operators can document that PTE of benzene is less than 1 tpy.

Applicability of Subpart HH to the Riverton Dome Facility

The Riverton Dome Facility is a natural gas production facility. Therefore, only HAP emissions from glycol dehydration units and storage tanks with flash emission potential are aggregated for a major source determination. While the facility is now a minor HAP source, absent the flare to control the dehydrator emissions per regulation requirements, the facility was a major HAP source. The flare was installed in May of 2002 to comply with this regulation. Therefore, this regulation continues to apply to this facility.

40 CFR Part 63, Subpart HHH: National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities. This rule applies to natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user, and that are major sources of HAP emissions. Natural gas transmission means the pipelines used for long distance transport and storage vessel is a tank or other vessel designed to contain an accumulation of crude oil, condensate, intermediate hydrocarbon, liquids, produced water or other liquid and is constructed of wood, concrete, steel or plastic structural support.

A compressor station that transports natural gas prior to the point of custody transfer or to a natural gas processing plant (if present) is not considered a part of the natural gas transmission and storage source category.

The Riverton Dome Facility is an oil and natural gas production facility and not a natural gas transmission or storage facility. Therefore this regulation does not apply.

40 CFR Part 63, Subpart YYYY: National Emission Standards for Hazardous Air Pollutants from Stationary Combustion Turbines. This rule establishes national emission limitations and work practice standards for HAPs emitted from Stationary Combustion Turbines. The affected source includes the stationary combustion turbine located at a major source of HAP emissions.

Stationary Combustion Turbine

Stationary combustion turbines are defined in §63.6175 as all equipment, including but not limited to, the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle stationary combustion turbine, any regenerative/recuperative cycle stationary combustion turbine, the combustion turbine portion of any stationary cogeneration cycle combustion system, or the combustion turbine portion of any stationary combined cycle steam/electric generating system. Stationary means that the combustion turbine is not self propelled or intended to be propelled while performing its function. Stationary combustion turbines do not include turbines located at a research or laboratory facility, if research is conducted on the turbine itself and the turbine is not being used to power other applications at the research or laboratory facility.

Major Source

Major source for purposes of this subpart has the same meaning as provided in 40 CFR 63.2 with the exception that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units, to determine whether such emission points or stations are major sources, even when emission points are contiguous are or are under common control.

Applicability to the Riverton Dome Facility

Devon does not operate any turbines at the Riverton Dome facility. Therefore, this rule does not apply.

40 CFR Part 63, Subpart ZZZZ: National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. This rule establishes national emission limitations and operating limitations for HAPs emitted from stationary reciprocating internal combustion engines (RICE). A stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile.

This rule applies to owners or operators of new and reconstructed stationary RICE of any horsepower rating which are located at a major or area source of HAP. While all stationary RICE located at major or area sources are subject to the final rule (promulgated January 18, 2008, amending the final rule promulgated June 15, 2004), there are distinct requirements for regulated stationary RICE depending on their design, use, horsepower rating, fuel, and major or area HAP emission status. The standards in the final rule have specific requirements for most new or reconstructed RICE and for existing SI 4 stroke rich burn (4SRB) stationary RICE. With the exception of the existing SI 4SRB stationary RICE, other types of existing stationary RICE (i.e., SI 2 stroke lean burn (2SLB), SI 4 stroke lean burn (4SLB), compression ignition (CI), stationary RICE that combust landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, emergency, and limited use units) located at major and area sources of HAP emissions are not subject to any specific requirements under the final rule.

Major Source Applicability

Pursuant to 40 CFR 63.6590, a stationary RICE with a site rating of greater than 500 bhp is existing at a major source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced before December 19, 2002. A stationary RICE with a site rating of less than or equal to 500 bhp is existing at a major source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced before June 12, 2006. A stationary RICE with a site rating of greater than 500 bhp is new at a major source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced on or after December 19, 2002. A stationary RICE with a site rating of less than or equal to 500 bhp is new at a major source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced on or after June 12, 2006.

Area Source Applicability

Pursuant to 40 CFR 63.6590 a stationary RICE is existing at an area source of HAP emissions if construction or reconstruction of the unit commenced before June 12, 2006. A stationary RICE is new at an area source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced on or after June 12, 2006.

Applicability to the Riverton Dome Facility

Devon's Riverton Dome Facility is an area source of HAP emissions. The reduction in HAP emissions from the glycol dehydrator, as required by 40 CFR part 63, subpart HH (MACT HH), is legally and practically enforceable provided compliance with standards is maintained. Therefore, the area source standards of 40 CFR part 63, subpart ZZZZ (RICE MACT) potentially apply. However, all the engines at the facility were constructed prior to June 12, 2006. Therefore, the RICE MACT does not apply to this facility.

Compliance Assurance Monitoring (CAM) Rule

40 CFR Part 64: Compliance Assurance Monitoring Provisions. According to 40 CFR 64.2(a), the CAM rule applies to each Pollutant Specific Emission Unit (PSEU) at a major source that is required to obtain a part 70 or part 71 permit if the unit satisfies all of the following criteria:

1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under §64.2(b)(1);

   "§64.2(b)(1): Exempt emission limitations or standards. The requirements of this part shall not apply to any of the following emission limitations or standards:

   (i) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to Section 111 or 112 of the Act;
   (ii) Stratospheric ozone protection requirements uner title VI of the Act;
   (iii) Acid Rain Program requirements pursuant to Sections 404, 405, 406, 407(a), 407(b) or 410 of the Act;
   (iv) Emissions limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the Act that allows for trading emissions with a source or between sources;
   (v) An emissions cap that meets the requirements specified in §70.4(b)(12) or §71.6(a)(13)(iii) of this chapter;
   (vi) Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in §64.1."

   "§64.1: Continuous compliance method means a method, specified by the applicable standard or an applicable permit condition, which:

   (1) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(2) Provides data either in units of the standard or correlated directly with the compliance limit."

2) The unit uses a control device to achieve compliance with any such limit or standard; and

3) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source.

The CAM regulation potentially applies to the glycol dehydrator (GDU vent), compressor engine #4, and generator engines G-1, G-2, and G-3.

The GDU vent is subject to 40 CFR part 63, subpart HH. This is an emission standard proposed pursuant to section 112 of the Act after November 15, 1990 and meets the exemption at §64.2(b)(1)(i). Therefore, this unit is not subject to the CAM requirements.

The engines (#4, G-1, G-2, and G-3) are PSD permitted units. PSD was triggered for modifications to a PSD major source that exceeded significance levels for NOx . Each engine has an AFR and NSCR control to meet the emission limit requirements of the PSD permit. The permit requires NOx BACT limits of 1.0 g/hp-hr. Limits were also added to the PSD permit for CO of 2.0 g/hp-hr and VOC of 0.43 g/hp-hr. These were not BACT requirements but are, however, enforceable.

However, these engines' pre-control PTE emissions are below 100% of the major source thresholds. According to a memorandum to the PSD permitting file dated February 1, 1993, and titled Evaluation of PSD Permitting Violations at the ARCO Riverton Dome Gas Plant, the part 71 permit application for renewal, and AP-42 emission factors, the pre-controlled emissions for each engine was as follows:

Compressor engine #4:	NOx = 57 tpy CO = 88 tpy VOC = 0.7 tpy
Generator G-1:	NOx = 49 tpy; CO = 76 tpy VOC = 0.6 tpy
Generator G-2:	NOx = 35 tpy; CO = 54 tpy VOC = 0.5 tpy
Generator G-3:	NOx = 57 tpy CO = 88 tpy VOC = 0.7 tpy

Therefore, these units are not subject to the CAM requirements.

Chemical Accident Prevention

40 CFR Part 68: Chemical Accident Prevention Provisions. The Riverton Dome Facility does not use or store any regulated substances listed in section 112(r) of the CAA that is above the threshold quantity. The facility is not, therefore, subject to the requirement to develop and submit a risk management plan (RMP). However, Devon has an ongoing responsibility to submit a RMP if a substance is listed that the facility has in quantities over the threshold amount or if the facility ever increases the amount of any regulated substance above the threshold quantity.

Stratospheric Ozone and Climate Protection

40 CFR Part 82, Subpart F: The Riverton Dome Facility has an office air conditioning system installed on site, which is charged with R-22 refrigerant. Devon must comply with the standards of 40 CFR 82, subpart F for recycling and emissions reduction, if it services, maintains, or repairs the air conditioning unit in any way or if it disposes of the unit. Specifically, Devon must comply with 40 CFR 82.156, 82.158, 82.161 and 82.166(i).

40 CFR Part 82, Subpart H: Based on information supplied by the applicant, there are no Halon fire extinguishers at the Riverton Dome Facility. However, should Devon obtain any Halon fire extinguishers, then it must comply with the standards of 40 CFR 82, subpart H for Halon emissions reduction, if it services, maintains, tests, repairs, or disposes of equipment that contains halons or uses such equipment during technician training. Specifically, Devon would be required to comply with title VI of the CAA and submit an application for a modification to this title V permit.

b. Conclusion

Since the Riverton Dome Facility is located in Indian country, the State of Wyoming's implementation plan does not apply to this source. In addition, no tribal implementation plan (TIP) has been submitted and approved for the Eastern Shoshone and Northern Arapaho Tribes, and EPA has not promulgated a federal implementation plan (FIP) for Indian country lands in Wyoming. Therefore, the facility is not subject to any implementation plan.

EPA recognizes that, in some cases, sources of air pollution located in Indian country are subject to fewer requirements than similar sources located on land under the jurisdiction of a state or local air pollution control agency. To address this regulatory gap, EPA is in the process of developing national regulatory programs for preconstruction review of major sources in nonattainment areas and of minor sources in both attainment and nonattainment areas. These programs will establish, where appropriate, control requirements for sources that would be incorporated into part 71 permits. To establish additional applicable, federally-enforceable emission limits, EPA Regional Offices will, as necessary and appropriate, promulgate FIPs that will establish federal requirements for sources in specific areas. EPA will establish priorities for its direct federal implementation activities by addressing as its highest priority the most serious threats to public health and the environment in Indian country that are not otherwise being adequately addressed. Further, EPA encourages and will work closely with all tribes wishing to develop TIPs for approval under the Tribal Authority Rule. EPA intends that its federal

regulations created through a FIP will apply only in those situations in which a tribe does not have an approved TIP.

4. EPA Authority

a. General Authority to Issue Part 71 Permits

Title V of the CAA requires that EPA promulgate, administer, and enforce a federal operating permits program when a state does not submit an approvable program within the time frame set by title V or does not adequately administer and enforce its EPA-approved program. On July 1, 1996 (61 FR 34202), EPA adopted regulations codified at 40 CFR part 71 setting forth the procedures and terms under which the Agency would administer a federal operating permits program. These regulations were updated on February 19, 1999 (64 FR 8247) to incorporate EPA's approach for issuing federal operating permits to stationary sources in Indian country.

As described in 40 CFR 71.4(a), EPA will implement a part 71 program in areas where a state, local, or tribal agency has not developed an approved part 70 program. Unlike states, Indian tribes are not required to develop operating permits programs, though EPA encourages tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the "Tribal Authority Rule"). Therefore, within Indian country, EPA will administer and enforce a part 71 federal operating permits program for stationary sources until a tribe receives EPA approval to administer a federal operating permits program.

5. Use of All Credible Evidence

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the source and EPA in such determinations.

6. Public Participation

a. Public Notice

There was a 30-day public comment period for actions pertaining to the draft permit. Public notice was given for the draft permit by mailing a copy of the notice to the permit applicant, the affected state, tribal and local air pollution control agencies, the city and county executives, the state and federal land managers and the local emergency planning authorities which have jurisdiction over the area where the source is located. A copy of the notice was also provided to all persons who have submitted a written request to be included on the mailing list. If you would like to be added to our mailing list to be informed of future actions on these or other Clean Air Act permits issued in Indian country, please send your name and address to:

Kathleen Paser, Part 71 Permit Contact
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

Public notice was published in the Wind River News on August 12, 2009, giving opportunity for public comment on the draft permit and the opportunity to request a public hearing.

b. Opportunity for Comment

Members of the public were given the opportunity to review a copy of the draft permit prepared by EPA, the application, the statement of basis for the draft permit, and all supporting materials for the draft permit. Copies of these documents were available at:

Fremont County Clerk's Office
450 North 2nd Street, Room 220
Lander, Wyoming 82520

and

Wind River Indian Reservation
Wind River Environmental Quality Commission
Building 10
Fort Washakie, Wyoming 82514

and

US EPA Region 8
Air Program Office
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202

All documents were available for review at the U.S. EPA Region 8 office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding federal holidays).

Any interested person could submit written comments on the draft part 71 operating permit during the public comment period to the Part 71 Permit Contact at the address listed above. EPA keeps a record of the commenters and of the issues raised during the public participation process. All comments have been considered and answered by EPA in making the final decision on the permit.

Anyone, including the applicant, who believed any condition of the draft permit was inappropriate could raise all reasonable ascertainable issues and submit all arguments supporting their position by the close of the public comment period. Any supporting materials submitted must have been included in full and may not have been incorporated by reference, unless the material was already submitted as part of the administrative record in the same proceeding or consisted of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference material.

Comments on the draft permit and Statement of Basis were not received during the public comment period.

c. Opportunity to Request a Hearing

A person could submit a written request for a public hearing to the Part 71 Permit Contact, at the address listed in section 8.a above, by stating the nature of the issues to be raised at the public hearing. No request for a public hearing was received. EPA did not receive any requests for a public hearing during the public comment period.

d. Appeal of Permits

Within 30 days after the issuance of a final permit decision, any person who filed comments on the draft permit or participated in the public hearing may petition to the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or participate in the public hearing may petition for administrative review, only if the changes from the draft to the final permit decision or other new grounds were not reasonably foreseeable during the public comment period. The 30-day period to appeal a permit begins with EPA's service of the notice of the final permit decision.

The petition to appeal a permit must include a statement of the reasons supporting the review, a demonstration that any issues were raised during the public comment period, a demonstration that it was impracticable to raise the objections within the public comment period, or that the grounds for such objections arose after such a period. When appropriate, the petition may include a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous; or, an exercise of discretion, or an important policy consideration that the Environmental Appeals Board should review.

The Environmental Appeals Board will issue an order either granting or denying the petition for review, within a reasonable time following the filing of the petition. Public notice of the grant of review will establish a briefing schedule for the appeal and state that any interested person may file an amicus brief. Notice of denial of review will be sent only to the permit applicant and to the person requesting the review. To the extent review is denied, the conditions of the final permit decision become final agency action.

A motion to reconsider a final order shall be filed within 10 days after the service of the final order. Every motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Motions for reconsideration shall be directed to the Administrator rather than the Environmental Appeals Board. A motion for reconsideration shall not stay the effective date of the final order unless it is specifically ordered by the Board.

e. Petition to Reopen a Permit for Cause

Any interested person may petition EPA to reopen a permit for cause, and EPA may commence a permit reopening on its own initiative. EPA will only revise, revoke and reissue, or terminate a permit for the reasons specified in 40 CFR 71.7(f) or 71.6(a)(6)(i). All requests must be in writing and must contain facts or reasons supporting the request. If EPA decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denial of these requests is not subject to public notice, comment, or hearings. Denials can be informally appealed to the Environmental Appeals Board by a letter briefly setting forth the relevant facts.

f. Notice to Affected States/Tribes

As described in 40 CFR 71.11(d)(3)(i), public notice was given by mailing a copy of the notice to the air pollution control agencies of affected states, tribal, and local air pollution control agencies that have jurisdiction over the area in which the source is located, the chief executives of the city and county where the source is located, any comprehensive regional land use planning agency and any state or Federal land manager whose lands may be affected by emissions from the source. The following entities were notified:

State of Wyoming, Department of Environmental Quality
Wind River Environmental Quality Commission; Eastern Shoshone and Northern Arapaho Tribes
National Park Service, Air, Denver, CO
U.S. Department of Agriculture, Forest Service, Rocky Mountain Region
Fremont County, County Clerk
Town of Riverton, Mayor
Wild Earth Guardians (formerly Rocky Mountain Clean Air Action)